

United States District Court
Southern District of Texas
FILED

SEP 07 2004

Michael N. Milby
Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

CHERYL GRAY and HAROLD GRAY, husband and wife,	§	CIVIL ACTION NO. 1:04CV116
	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	
	§	
WYETH; and WYETH	§	JURY DEMANDED
PHARMACEUTICALS, INC.;	§	
BARR PHARMACEUTICALS, INC.;	§	
BRISTOL-MYERS SQUIBB;	§	
GREENSTONE LTD.; PHARMACIA &	§	
UPJOHN COMPANY; PFIZER, INC.;	§	
SOLVAY PHARMACEUTICALS, INC.;	§	
WARNER-CHILCOTT	§	
	§	
Defendants.	§	HON. ANDREW S. HANEN

**AGREED MOTION TO EXTEND TIME FOR DEFENDANTS
PFIZER INC., PHARMACIA & UPJOHN COMPANY AND GREENSTONE LTD.
TO RESPOND TO PLAINTIFFS' COMPLAINT**

TO THE HONORABLE ANDREW S. HANEN,
United States District Judge:

RELIEF REQUESTED

Plaintiffs Cheryl Gray and Harold Gray (collectively "Plaintiffs"), and Defendants Pfizer Inc. (incorrectly identified in Plaintiffs' Complaint as "Pfizer, Inc.") ("Pfizer"), Pharmacia & Upjohn Company ("P&U"), and Greenstone Ltd. ("Greenstone") request that the Court extend the time in which Pfizer, P&U and Greenstone must answer, or otherwise move under FED. R. CIV. P. 12, with respect to the Plaintiffs' Complaint, through thirty-days from the date this civil action is transferred to the Prempro MDL and received by that Court or as otherwise ordered by the MDL Court.

GROUND FOR RELIEF

1. This action is brought by Plaintiffs for injuries allegedly caused by Ms. Gray's treatment with various hormone therapy medications.

2. On March 4, 2003, the Judicial Panel on Multi-district Litigation ("JPMDL") consolidated, for pretrial purposes, several cases involving Prempro®, a hormone therapy medication manufactured and distributed by Wyeth Pharmaceuticals, Inc. in the United States District Court for the Eastern District of Arkansas. See *In re Prempro Prod. Liab. Litig.*, 254 F. Supp. 2d 1366 (J.P.M.L 2003).

3. It is expected that the Clerk of the JPMDL will soon issue a Conditional Transfer Order identifying this case as one involving questions of fact which are common to the actions previously transferred to the Prempro® MDL. It is also expected that, pursuant to Rule 7.6 of the Rules of Procedure of the JPMDL, a Transfer Order will be issued soon thereafter.

4. To promote uniformity, consistency and judicial efficiency, Plaintiffs and Defendants Pfizer, P&U and Greenstone request that the Court extend the time in which Pfizer, P&U and Greenstone must answer, or otherwise move under Fed. R. Civ. P. 12, with respect to the Plaintiffs' Complaint through thirty-days from the date this matter is transferred to, and received by the Clerk of, the Eastern District of Arkansas or as otherwise ordered by the MDL Court.

Dated: September 3, 2004.

Respectfully submitted,

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CERTIFICATE OF SERVICE

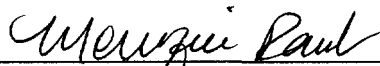
I certify that a true and correct copy of the foregoing was served by certified mail, return receipt requested, on the following attorneys of record on September 3, 2004:

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